

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

TIMOTHY RAY JONES,

Plaintiff,

Case No. 3:20-cv-233

vs.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (DOC. NO. 20); (2) OVERRULING DEFENDANT'S OBJECTIONS (DOC. NO. 21) (3) VACATING THE COMMISSIONER'S NON-DISABILITY FINDING; (4) MAKING NO FINDING AS TO WHETHER PLAINTIFF WAS UNDER A "DISABILITY" WITHIN THE MEANING OF THE SOCIAL SECURITY ACT; (5) REMANDING THIS MATTER TO THE SOCIAL SECURITY ADMINISTRATION UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g) FOR FURTHER CONSIDERATION CONSISTENT WITH THIS DECISION; AND (6) TERMINATING THIS CASE ON THE COURT'S DOCKET

This Social Security case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Peter B. Silvain, Jr. (doc. no. 20), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Silvain recommended that the ALJ's non-disability finding be vacated. Defendant filed objections to the Report and Recommendation. Doc. No. 21. As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter, including Defendant's objections.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation (doc. no. 20) should be adopted. Accordingly, it is hereby **ORDERED** that:

(1) the Report and Recommendation (doc. no. 20) is **ADOPTED** in full; (2) Defendant's objections are **OVERRULED** (doc. no. 21); (3) the Commissioner's non-disability finding is **VACATED**; (4) no finding is made as to whether Plaintiff was under a "disability" within the meaning of the Social Security Act; (5) this matter is **REMANDED** to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with this decision; and (6) this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

September 2, 2021

s/ Michael J. Newman
Hon. Michael J. Newman
United States District Judge